

SEP 09 2004

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/729,309
Applicant : Gregory M. Dobbs, et al.
Filed : December 5, 2003
Title : A PLATE-TYPE HEAT EXCHANGER
TC/A.U. : 3743
Examiner : FLANIGAN, ALLEN J.
Docket No. : 965-009CON2
Customer No. : 20874

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed from the United States Patent and Trademark Office on August 12, 2004, Applicants respectfully wish to point out that claims 1-36 were cancelled without prejudice and new claims 37-52 added to the present application by Preliminary Amendment filed contemporaneously with the application itself. Accordingly, Applicants cannot elect any of cancelled claims 1-36, and request clarification and reconsideration by the Examiner of the need for a Restriction Requirement.

Applicants believe that no fees are due on account of the submission of this paper. However, if Applicant is incorrect and fees are due, the Director is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0289.

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Date: September 9, 2004

To: Examiner Allen J. Flanigan
Art Group Unit 3743

From: Joseph B. Milstein, Ph.D.

Subject: U.S. Patent Application No. 10/729,309 filed December 5, 2003
Attorney Docket No. 965-009 CON2

FAX #: 703-872-9306

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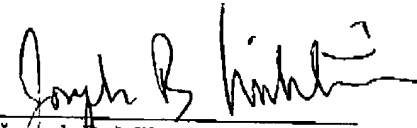
Response to Restriction Requirement
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Inventor: DOBBS et al.
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Please direct any questions or comments to Joseph B. Milstein at (315) 425-9000.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: September 9, 2004



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